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09/615,177	07/13/2000	Kevin Coleman	MPZ-001.01	3719

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EXAMINER

SMITH, JEFFREY A

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/615,177

**Applicant(s)**

COLEMAN, KEVIN

**Examiner**

Geoffrey Akers

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-19 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-19 and 21-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Request for Continued Examination(RCE)***

1. This action is issued in reply to applicant's Request for Continued Examination filed 5/3/04.
2. Claims 3, 20 were canceled. Claim 15 was amended.
3. Claims 1-2,4-19,21-26 are pending.

***Claim Rejections - 35 USC § 103***

4. Claims 1-2,4-19,21-26 are rejected under 35 USC 103(a) as unpatentable over Guerin(US Pat. No: 6,243, 751) in view of Lenz(US Pat. No: 5,784,539).

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5. As per claims 1,15 Guerin teaches a method of selecting a product in a networked environment(Abstract) and receiving one of a plurality of possible selections from the client and providing product information to the client within the page(col 3 lines 8-20) where the product information including information related to one of the plurality of possible solutions to one or more other ones of the plurality of possible solutions to assist a user at the client in determining whether to purchase a product that includes the one of the plurality of possible selections(col 3 lines 20-28). In addition to that taught by Guerin, Lenz also teaches providing a product criterion to a client with a page where the product criterion includes a plurality of possible selections(col 3 lines 21-39).It would have been obvious to one skilled in the art at the time of the invention to combine Guerin in view of Lenz to teach the disclosure. The motivation to combine is to teach a

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method to enable the selection of outputs to meet user requirements as enunciated by Lenz(col 3 lines 1-4).

6. As per claim 2 Guerin teaches The method of claim 1 further comprising receiving a purchase order from the client and fulfilling the purchase order(Fig 2A/205/209).

7. As per claim 4 Guerin teaches the method of claim 1 wherein the product criterion includes the objective characteristic of the product(col 3 lines 21-24).

8. As per claim 5 Guerin teaches the method of claim 1. In addition to that taught by Guerin Lenz further teaches wherein the product criterion includes a subjective characteristic of the product(Fig 2/110)(Fig 1/110). It would have been obvious to one skilled in the art at the time of the invention to combine Guerin in view of Lenz to teach the disclosure. The motivation to combine is to teach a method to enable the selection of outputs to meet user requirements as enunciated by Lenz(col 3 lines 1-4) through applying subjective characteristics.

9. As per claim 6 Guerin teaches the method of claim 1 further comprising receiving a category selection from the client and in response thereto, providing category information to the client, the category information including the product criterion(col 3 lines 26-28)(Fig 2A/207).

10. As per claim 7 Guerin teaches according to the method of claim 1. In addition to that taught by Guerin, Lenz further teaches comprising providing a product selection set to the client where the product selection set includes one or more products that conform to the one of the plurality of possible selections (Fig 3). It would have been obvious to one skilled in the art at the time of the invention to combine Guerin in view of Lenz to teach

the disclosure. The motivation to combine is to teach a method to enable the selection of outputs to meet user requirements as enunciated by Lenz(col 3 lines 1-4) that are consistent with one of a plurality of selections.

11. As per claim 8 Guerin teaches the method of claim 7 wherein the client includes a hypertext transfer protocol client and the product selection set includes a list of hyperlinks to product descriptions for the one or more products included in the product selection set(col 1 line 66-col 2 line 3)(col 2 lines 35-53).

12. As per claim 9 Guerin teaches the method of claim 1 wherein the product criterion includes at least one of a product feature an attribute or a usability need(col 3 lines 21-24).

13. As per claim 10 Guerin teaches according to the method of claim 7. In addition to that taught by Guerin, Lenz further teaches tracking a user session where the user session includes a change from a first one of the plurality of possible selections to a second one of the plurality of possible selections and applying fuzzy logic to the change in order to determine the product selection set(col 5 lines 42-48). It would have been obvious to one skilled in the art at the time of the invention to combine Guerin in view of Lenz to teach the disclosure. The motivation to combine is to teach a method to enable the selection of outputs to meet user requirements as enunciated by Lenz(col 3 lines 1-4) utilizing fuzzy logic means.

14. As per claim 11 Guerin teaches the method of claim 1. In addition to that taught by Guerin Lenz further teaches wherein inferences concerning user preferences are made based upon a selection history(col 20 lines 4-58). It would have been obvious to one

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skilled in the art at the time of the invention to combine Guerin in view of Lenz to teach the disclosure. The motivation to combine is to teach a method to enable the selection of outputs to meet user requirements as enunciated by Lenz(col 3 lines 1-4) which incorporate selection history of users.

15. As per claim 12 Guerin teaches according to the method of claim 1. In addition to that taught by Guerin, Lenz further teaches wherein influences concerning user preferences are made based on a user profile(col 20 lines 4-5)(Fig 7). It would have been obvious to one skilled in the art at the time of the invention to combine Guerin in view of Lenz to teach the disclosure. The motivation to combine is to teach a method to enable the selection of outputs to meet user requirements as enunciated by Lenz(col 3 lines 1-4) and to determine user preferences based on user profile.

16. As per claim 13 Guerin teaches the method of claim 1 wherein the product includes at least one of a good or service(Abstract).

17. As per claim 14 Guerin teaches according to the method of claim 1. In addition to that taught by Guerin, Lenz further teaches wherein the product includes at least one of a financial product or a financial service(col 33 line 1-col 37 line 50).(Lenz herein teaches legacy systems that may be applied to financial services.) It would have been obvious to one skilled in the art at the time of the invention to combine Guerin in view of Lenz and to apply the products specifically to financial systems to teach the disclosure. The motivation to combine is to teach a method to enable the selection of outputs to meet user requirements as enunciated by Lenz(col 3 lines 1-4) as applied to financial services.

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18. As per claim 16 Guerin teaches a system for interactively selecting a product in a networked environment(Abstract) comprising first providing means for providing a product criterion to a client with a page(col 3 lines 8-20) where the product criterion includes a plurality of possible selections, where the product information including information related to one of the plurality of possible solutions(col 3 lines 20-28). In addition to that taught by Guerin, Lenz also teaches providing a product information to the client within the page to one or more other ones of the plurality of possible solutions to assist a user at the client in determining whether to purchase a product that includes the one of the plurality of possible selections(col 3 lines 21-39). It would have been obvious to one skilled in the art at the time of the invention to combine Guerin in view of Lenz to teach the disclosure. The motivation to combine is to teach a method to enable the selection of outputs to meet user requirements as enunciated by Lenz(col 3 lines 1-4).

19. As per claim 17 Guerin teaches the system according to claim 16. In addition to that taught by Guerin Lenz teaches wherein the server is configured to display within the page one or more of a first field where the first field includes product category information that identifies a category to which the product relates, and a second field where the second field includes a criterion for the category and a third field where the third field includes a text of a question relating to the criterion and a fourth field where the fourth field includes a plurality of options where each option represents a possible selection for the criterion and a fifth field where the fifth field identifies a control that specifies how the plurality of options are represented to a client and a sixth field where

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the sixth field includes selection guidance relating to each one of a plurality of options(col 25 line 8-col 26 line 5)(col 4 line 35-col 5 line 40)( col 11 line 55-col 12 line 29)(col 13 line 65-col 16 line 55). It would have been obvious to one skilled in the art at the time of the invention to combine Guerin in view of Lenz and to apply the designation of categories and options in fields to teach the disclosure. The motivation to combine is to teach a method to enable the selection of outputs to meet user requirements as enunciated by Lenz(col 3 lines 1-4).

20. As per claim 18 Guerin teaches the system of claim 17 where the server is configured to display within the page seventh field where the seventh field includes links to one or more additional criteria to be represented for each one of a plurality of options(col 4 line 35-col 5 line 11).

21. As per claim 19 Guerin teaches a system for assisting a user with a product selection(Abstract) where the system comprises a database including a plurality of product criteria and for each product a plurality of options and a server in communication with the database and configured to based on a request from a client, retrieve a group of product criteria and an associated group of options from the database and displaying the group of product criteria and an associated group of options within a page(col 3 lines 8-20) and based on a selection of an option from the client, retrieve product information from the database and display the product information within the page where the product information including information related to the selected option and comparing the selected option to one or more other options to assist a user at the client in determining whether to purchase a product that includes



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the selected option(col 3 lines 20-28). In addition to that taught by Guerin, Lenz also teaches providing a product criterion to a client with selection(col 3 lines 21-39). It would have been obvious to one skilled in the art at the time of the invention to combine Guerin in view of Lenz to teach the disclosure. The motivation to combine is to teach a method to enable the selection of outputs to meet user requirements as enunciated by Lenz(col 3 lines 1-4).

22. As per claim 21 Guerin teaches the system according to claim 19. In addition to that taught by Guerin, Lenz further teaches wherein the server is configured to retrieve from the database based on a selection by the client of one or more of the options one or more next criteria where the next criteria specifying one or more criteria to be added to the product criteria(col 4 line 31-col 5 line 10). It would have been obvious to one skilled in the art at the time of the invention to combine Guerin in view of Lenz to teach the disclosure. The motivation to combine is to teach a method to enable the selection of outputs to meet user requirements as enunciated by Lenz(col 3 lines 1-4) on a criterion addition basis.

23. As per claim 22 Guerin teaches a method comprising presenting a page(Abstract). In addition to that taught by Guerin, Lenz further teaches a product criterion associated with two or more options(Tables 1-11) and receiving from a client a selection of one of the two or more options and based on the selection updating the page to include the product criterion where the two or more options an indicator of the selection and information related to the selected option and comparing the selected option to one or more different options to assist a user in determining whether to purchase a product

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including the selected option(col 23 lines 30-45). It would have been obvious to one skilled in the art at the time of the invention to combine Guerin in view of Lenz to teach the disclosure. The motivation to combine is to teach a method to enable the selection of outputs to meet user requirements as enunciated by Lenz(col 3 lines 1-4) when multiple option comparisons exist.

24.As per claim 23 Guerin teaches the method according to claim 22. In addition to that taught by Guerin, Lenz further teaches wherein updating the page includes updating the page to include a first portion and at least a second non overlapping portion where the first portion includes the product criterion the associated two or more selections and the indicator of the one of the two or more selections and the second non overlapping portion includes related to the selection(Fig 8)(col 24 lines 51-54). It would have been obvious to one skilled in the art at the time of the invention to combine Guerin in view of Lenz to teach the disclosure. The motivation to combine is to teach a method to enable the selection of outputs to meet user requirements as enunciated by Lenz(col 3 lines 1-4).

25. As per claim 24 Guerin teaches the according to the method of claim 22. In addition to that taught by Guerin, Lenz further teaches wherein the information indicates a quantity of available products associated with the selection(Fig 8/806). It would have been obvious to one skilled in the art at the time of the invention to combine Guerin in view of Lenz to teach the disclosure. The motivation to combine is to teach a method to enable the selection of outputs to meet user requirements as enunciated by Lenz(col 3 lines 1-4) when a quantity of products is available.

26. As per claim 25 Guerin teaches the system of claim 15 wherein the information indicates a quantity of available products associated with the selection(col 3 lines 7-14)(col 3 line 60-col 4 line 5).

27. As per claim 26 Guerin teaches the computer program product of claim 16 wherein the information indicates a quantity of available products associated with the selection(col 3 lines 7-14)(col 3 lines 30-32)(col 3 line 66-col 4 line 5).

***Claim Rejections - 35 USC § 101***

28. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

29. Claim 15 is rejected under 35 USC 101 for failing to provide a concrete, useful and tangible result.

***Conclusion***

30. **THIS ACTION IS MADE NON-FINAL.**

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Questions regarding this communication may be addressed to the primary examiner, Dr. Geoffrey Akers, P.E., who can be contacted at (703)-306-5844 between the hours of 6:30 AM and 5:00 PM Monday through Friday. If attempts to reach the primary examiner are unsuccessful, the examiner's supervisor, Mr. Vincent Millin, may be telephoned at (703)-308-1065.



9/25/04

DR. GEOFFREY R. AKERS, P.E.  
PRIMARY EXAMINER